

1 active with regard to the August 6, 2002 incident?

2 A. I really couldn't tell you because that's each  
3 individual board member, and I didn't have a conversation in  
4 regards to each individual board member.

5 Q. How would you describe Mr. Coleman's role with  
6 regard to the August 6, 2002 incident?

7 A. He was vice president of the board.

8 Q. And?

9 A. And he had conversations with Mr. Sherrod.

10 Q. Any other activity that you're aware of that he  
11 engaged in?

12 A. In reference to? I -- again, I -- I haven't seen --  
13 I didn't see any other activity. I didn't witness any other  
14 activity. Everything that was --

15 Q. Did you hear about any of Mr. Coleman's activity  
16 regarding the August 6, 2002 incident?

17 A. I heard that Mr. Coleman -- I'm not sure if he said  
18 he was possibly related to the person or he knew somebody who  
19 was related to the person that the incident happened to.  
20 That's what I heard, yes.

21 Q. Now, at what point did the board decide to retain  
22 counsel?

23 A. When the board found out that James was saying that  
24 he did not resign, he was not going to hand in a resignation  
25 letter.

1 Q. Had discussions involving a severance package  
2 occurred prior to that decision?

3 A. I don't recall. It's kind of all blurred together.

4 Q. Might discussions have occurred?

5 A. The discussions that would occur wouldn't have been  
6 entailing a severance package. It would have been saying,  
7 you know, basically what time does he have left on his  
8 vacation time and any other time that he's eligible for.  
9 That wouldn't have been a severance package. That would have  
10 been just a -- basically a -- it is just a departure of  
11 employment.

12 Q. Now, I know prior to coming to the Booker T.  
13 Washington Center you worked for Community Health Net, right?

14 A. Correct.

15 Q. What was your position at Community Health Net?

16 A. Director of human resources.

17 Q. Community Health Net, as all of us are aware based  
18 on reading the papers, is engaged in a bankruptcy, right?

19 A. Correct.

20 Q. When did they file the bankruptcy?

21 A. This is '05, correct?

22 Q. Yes.

23 A. Therefore, they filed bankruptcy July -- no. Excuse  
24 me. I believe it was the end of May of '04.

25 Q. Now, you said you've had several conversations --

1 you've had at least one conversation, maybe more, with  
2 Mr. Hamilton regarding Mr. Sherrod.

3 A. Correct.

4 Q. When you had your first conversation with  
5 Mr. Hamilton regarding Mr. Sherrod, what was his response?

6 MR. MARTINUCCI: His response to what?

7 MS. BENSON: To what was going on.

8 A. He's got to come in here and meet with him.

9 Q. Mr. Hamilton said he had to meet with Mr. Sherrod?

10 A. Correct.

11 Q. Would it be correct to say that Mr. Hamilton thought  
12 that Mr. Sherrod was being treated unfairly?

13 A. I wouldn't know.

14 Q. You had a conversation with him?

15 A. He wouldn't know how he was being treated until he  
16 talked to Mr. Sherrod at that time. So I wouldn't know what  
17 he was thinking. All he was trying to do was get the facts.

18 Q. Mr. Hamilton state to you his opinion that  
19 Mr. Sherrod was being treated unfairly?

20 A. Not that I recall.

21 Q. Did he state to you that Mr. Sherrod, in his  
22 opinion, should not have been fired?

23 A. Not that I recall.

24 Q. Did he have any questions of you regarding what was  
25 going on?

1 A. He had questions, and I told him the questions I  
2 can't answer you can get straight from James himself.

3 Q. What were the questions he had?

4 A. How's James doing. You know, what's going on.  
5 Stuff like that.

6 Q. So he wanted to know what was going on, and how was  
7 Mr. Sherrod doing?

8 A. Right.

9 Q. Going back to the August 12, 2002 board meeting, and  
10 you followed Mr. Sherrod into his office.

11 A. Yes.

12 Q. Isn't it correct that Mr. Sherrod was sitting there  
13 writing out questions for the board?

14 A. I don't know. I just know he was frustrated.

15 Q. Now, you acknowledge that he went back into the  
16 boardroom with questions, right?

17 A. Yes.

18 Q. Now, isn't it correct that you said to Mr. Sherrod,  
19 on entering his room, that if he didn't want to resign, he  
20 didn't have to resign?

21 A. I don't recall saying something like that.

22 Q. Did you say --

23 A. I recall saying, what's going on. Do you know  
24 exactly what you just did.

25 Q. Is it possible that you said to Mr. Sherrod, if you

1 don't want to resign, you don't have to resign?

2 A. I don't think it's possible. Because I said, do you  
3 know what you just did, and in that context, I wouldn't then  
4 go back and say, you don't have to. You did it, why would I  
5 say you don't have to.

6 Q. Didn't you tell Mr. Sherrod that he -- didn't  
7 Mr. Sherrod tell you that he was not going to resign, and  
8 that he told you, make sure that the board knew -- didn't he  
9 tell you that he was not going to resign?

10 A. No.

11 Q. Isn't it correct that Mr. Sherrod told you that he  
12 would take a leave, but he would not resign?

13 A. What time frame are you talking about?

14 Q. August the 12th, 2002. Isn't it correct, when you  
15 followed him into that office --

16 A. No.

17 Q. -- he told you he would not resign --

18 A. August 12th of 2002, when I walked in that office,  
19 we did not have the conversation in regards to I'll take a  
20 leave and I'm not resigning.

21 Q. Isn't it correct that you took his keys -- you took  
22 his keys, and you went back into the room where the board of  
23 directors was meeting?

24 A. I don't recall taking -- first of all, I didn't take  
25 any keys. No, that's not correct.

1 Q. Are you aware that Mr. Coleman went to Mr. Sherrod's  
2 home the evening of August the 12th, 2002?

3 A. He could have. I don't know.

4 Q. Is it possible that he did?

5 A. I just said he could have. I don't know.

6 Q. Did he tell you that he met with Mr. Sherrod on  
7 August the 12th of that evening?

8 A. I don't recall what date or time he met with  
9 Mr. Sherrod, but I do know that he met with Mr. Sherrod on  
10 several occasions.

11 Q. Were you aware that Mr. Coleman participated in  
12 interviews with the staff who were supervising the field trip  
13 of August the 6th, '02 when that little girl supposedly was  
14 left behind at the theater?

15 A. When are you asking about my awareness?

16 Q. I'm asking you, were you aware.

17 MR. MARTINUCCI: At what point in time?

18 MS. BENSON: All right. Let me rephrase.

19 Q. When did you become aware that Mr. Coleman  
20 participated in interviews of the three staff people who were  
21 supervising the field trip of August 6, '02?

22 A. I don't -- I don't recall, but I do know it was  
23 after the fact of a lot of stuff. It came out after -- after  
24 the fact of August 12th. After the fact of probably August  
25 16th. I probably became aware of this probably sometime in

1 September.

2 Q. How did you become aware?

3 A. Listening to discussions.

4 Q. From whom? Involving whom?

5 A. I'm not sure. It could have been Mr. Sherrod. It  
6 could have been Mr. Coleman. It could have just been overall  
7 board meeting.

8 Q. When did you become aware that three people were  
9 fired as a result of that little girl supposedly missing?

10 A. I'm not sure if it was during the board meeting or  
11 if it was when they filed for an appeal. I'm not sure which  
12 one.

13 Q. Which board meeting are you referring to in that?

14 A. I'm not sure -- again, I'm not sure if -- I know  
15 James was still present, so I'm not -- I'm not -- I'm not  
16 sure. I don't recall the exact time frame of the  
17 terminations or how they took place. All I know is that I  
18 recall the appeals of the termination, and that's all I can  
19 recall. I wasn't involved in the terminations. I was only  
20 involved in when they came back to appeal.

21 Q. And as chairperson of the management committee, you  
22 heard the appeals, right?

23 A. Yes.

24 Q. Those appeals were by Lester Howard?

25 A. Yes.

1 Q. Renee Coates-Smith, I believe?

2 A. I believe so.

3 Q. And Derek Johnson?

4 A. Correct.

5 Q. Now, were you aware that Mr. Coleman conducted a  
6 staff meeting on August the 13th, 2002?

7 A. Again, when are you asking me in terms of time  
8 frame? When I became aware of this?

9 Q. Yes. When did you become aware of it?

10 A. I don't recall. I'm going to probably end up saying  
11 sometime -- I don't recall the exact time frame when I became  
12 aware of it. But it wasn't -- it wasn't before, and it  
13 wasn't directly after.

14 Q. Did the board, at its meeting of August 12, 2002,  
15 direct Mr. Coleman to conduct a staff meeting?

16 A. I don't recall.

17 Q. When did you learn of the staff meeting?

18 A. Probably heard it during discussions again, which I  
19 don't recall what time frame.

20 Q. Do you recall who you had these discussions with?

21 A. Again, it could have been with -- and this could  
22 have been way after the fact, but it could have been with  
23 either Anita Smith or James Sherrod, or I could very well  
24 have overheard it in the board meeting. I don't really  
25 recall.



1 Q. When do you recall learning that Mr. Coleman had  
2 directed Mr. Sherrod to fire Lester Howard, Renee  
3 Coates-Smith, and Derek Johnson?

4 A. I don't recall what meeting, but I believe that was  
5 when I had a conversation with James Sherrod.

6 Q. When do you recall learning that Mr. Coleman, in  
7 directing Mr. Sherrod to fire those three individuals, told  
8 him, fire those niggers?

9 A. When I had a conversation with Mr. Sherrod, and I  
10 think that that was -- I don't even recall when that  
11 conversation took place, but I know it was after August,  
12 and -- probably in September.

13 Q. So you're saying after August the 12th?

14 A. It wasn't -- that conversation didn't take place in  
15 August.

16 Q. Why are you so certain that it didn't take place in  
17 August?

18 A. I didn't say I was certain that it took place. I'm  
19 just -- basically I know that all the conversations that we  
20 had -- the majority of our conversations that took place in  
21 terms of historical stuff was probably at a later time.  
22 August we were basically dealing with how we can work through  
23 the transition.

24 Q. So you're saying, after receiving Mr. Sherrod's  
25 letter of August 16th, which is Exhibit No. 4, that you

1 didn't have a conversation with Mr. Sherrod in which he said  
2 to you -- in which you learned that Mr. Coleman had directed  
3 that all those niggers be fired?

4 MR. MARTINUCCI: Wait. So we're clear here, you're  
5 asking him if he had any conversation with  
6 Mr. Sherrod about this subject after August 16th?

7 MS. BENSON: Let me rephrase it.

8 Q. You're saying you learned from Mr. Sherrod that he  
9 was directed by Mr. Coleman to fire all those niggers?

10 A. That information came from Mr. Sherrod, correct.

11 Q. When are you saying that this information came from  
12 Mr. Sherrod?

13 A. As I said, I don't recall, but I'm pretty -- like I  
14 said, I don't recall, but if I had to say or I had to give  
15 you an answer, I'd probably have to say sometime in  
16 September.

17 Q. Do you have any documentation that would provide us  
18 with definitive information as to when this conversation may  
19 have occurred?

20 A. I didn't document that information because, when it  
21 was -- when it was brought to me, I didn't look at it as an  
22 issue. So, therefore, I didn't document anything in terms  
23 of -- it didn't raise any red flags to me. I basically do  
24 recall saying -- after getting that information from  
25 Mr. Sherrod, having this conversation with Mr. Coleman, and

1 Mr. Coleman said, I had never said that, and that's it.

2 Q. Now, you've testified that at Community Health  
3 Net -- you were still holding your position there as head of  
4 human resources, right?

5 A. Correct.

6 Q. When you heard that Mr. Coleman had given  
7 Mr. Sherrod directive to "fire all those niggers," it did not  
8 raise a red flag?

9 A. Raise a red flag?

10 Q. Yes.

11 A. Why would it raise a red flag to me?

12 Q. For discrimination.

13 A. On what grounds?

14 Q. Stop and think about it.

15 A. I'm thinking about it.

16 Q. In employment context, you are a -- let's get  
17 this -- be careful here.

18 A. Right.

19 Q. You've testified here that in your professional  
20 capacity --

21 A. Which I was not operating in.

22 Q. I understand. But that doesn't separate the fact --  
23 I'm assuming that as a human resource director --

24 A. Which is I was not operating in.

25 Q. I understand that. Listen to my question.

1 A. Okay.

2 Q. You had employment as a human resource director at  
3 Community Health Net -- that's your testimony, right?

4 A. Yes.

5 Q. And in that capacity, you were responsible for  
6 making sure Community Health Net did not violate any laws  
7 that prohibited discrimination; isn't that correct?

8 A. Correct.

9 Q. Now, I assume you got that position based on some  
10 training and some experience and some knowledge of the law,  
11 correct?

12 A. Correct.

13 Q. I assume that as a board member of the Booker T.  
14 Washington Center you recognize you had a fiduciary duty to  
15 Booker T. Washington Center; is that correct?

16 A. Correct.

17 Q. So in that capacity, as a member of the board of  
18 directors, you would make sure, wouldn't you, that the Center  
19 observed all laws pertaining to discrimination?

20 A. If it was brought to my attention that there was  
21 some discrimination taking place, yes, I would.

22 Q. If someone had informed you that a directive had  
23 been given to fire all those niggers, wouldn't that raise a  
24 red flag?

25 A. In what context? If I'm on the basketball court and

1 someone said I heard he said fire all those niggers, I'm not  
2 going to do that. If I see five black males going together,  
3 they may have just used the wrong terminology. I'm not going  
4 to make assumptions. That's what you're asking me to make is  
5 assumptions.

6 Q. No, sir, I'm not. Please listen to the question.

7 A. I'm listening.

8 Q. Renee Coates-Smith, Lester Howard, and Derek Johnson  
9 were employees of the Booker T. Washington Center in August  
10 of 2002; isn't that correct?

11 A. I believe so.

12 Q. And those three individuals were responsible -- were  
13 responsible for the field trip of August the 6th, 2002; isn't  
14 that correct?

15 A. I couldn't tell you if that was correct or not.

16 Q. Well --

17 A. They were involved in the incident. I'll stand by  
18 that.

19 Q. And as chairman of the management committee you  
20 handled their appeals?

21 A. Correct.

22 Q. So if a directive was given to fire all those  
23 niggers, it was in an employment context; wasn't it?

24 A. I don't know. I didn't give the directive; I didn't  
25 hear the directive.

1 Q. My question to you is, if a directive was given?

2 A. If a directive was given to fire those employees, it  
3 all depends on who's saying it, and what terminology. This  
4 is a secondhand question.

5 Q. You're not answering my question. You're not  
6 answering my question. If a directive was given by  
7 Mr. Coleman to fire all those niggers, it was in an  
8 employment context; wasn't it?

9 A. Mr. Coleman didn't have the authority to do so.

10 Q. Who had the authority to fire?

11 A. The executive director.

12 Q. Now, the board of directors expect the executive  
13 director to carry out orders that they give him; don't they?

14 MR. MARTINUCCI: Who on the board of directors?

15 MS. BENSON: Let me finish.

16 MR. MARTINUCCI: I thought you had finished.

17 MS. BENSON: No. Let me finish.

18 Q. No. My question was, the board of directors expect  
19 Mr. Sherrod, as executive director, to carry out orders given  
20 to him; isn't that correct?

21 A. Orders given to him?

22 Q. Yes.

23 A. I don't think that they would -- in reference to  
24 policies and procedures?

25 Q. Answer the question.

1           A.    I'm asking you to define it more. Orders given to  
2 him in what context?

3           Q.    Let's take it little bit by little bit.

4                   And let me just say, I've noticed for quite some  
5 time you keep looking over to Mr. Martinucci.

6           A.    No. He's sitting right there. I don't have to look  
7 at him. I don't need him to answer my questions. I can  
8 answer my own questions. I'm not looking for his guidance.  
9 I'm looking directly at you.

10          Q.    You're not looking directly at me when you're  
11 turning your eyes at him.

12          A.    Yeah, because some of your questions to me are just  
13 like, didn't we answer that. I mean, basically, if I'm  
14 looking at him, I'm like, listen, can't we move on. That's  
15 why I'm looking -- you want to know why I'm looking at him,  
16 I'm looking at him like, listen, let's move on.

17               MR. MARTINUCCI: He wants me to object more.

18          Q.    I understand that, and I think you've -- let me ask  
19 you this question here. Because I would assume you prepared  
20 for this deposition.

21          A.    I prepared for it? No. That's probably one of the  
22 reasons -- basically, some of the questions you asked me or  
23 anything else, what's there to prepare for. I'm going to  
24 come here and tell you the truth.

25          Q.    You didn't meet with Mr. Martinucci?

1           A.    I met with Mr. Martinucci so he could tell me what  
2           date and time that I was supposed to be present.

3           Q.    And that was it?  You never discussed your  
4           deposition?

5           A.    This is me.  This is my personality.  He told me  
6           basically, Bill, you go in there and be yourself.

7           Q.    All right.  Did you review any documents in order to  
8           prepare for your deposition?

9           A.    Didn't touch a document.  He had his books and his  
10          papers just right there, and I said, listen, hey, I'm going  
11          to go in there and I'm going to be myself.  This is who I am.  
12          This is what happened.

13          Q.    So you're saying you didn't review any documents?

14          A.    What documents would I have reviewed?  Basically, if  
15          he would have shown me a date, time -- let me think for a  
16          second, anything that he showed me.  I don't recall him  
17          showing me anything.  There was no review.  It was basically  
18          saying, hey --

19          Q.    I'm not asking you whether he showed you anything.  
20          I'm asking what you reviewed.

21          A.    Okay.  What documents would I have reviewed?  
22          Basically, anything that I would have given to you, I've  
23          already given to him, and he's already given to you.  So what  
24          would I have reviewed?  Did I have these documents and  
25          exhibits in front of me to review, no, I did not.



1 Q. Now, you were told that your testimony would be  
2 under oath.

3 A. And my testimony is under oath.

4 Q. And you were told that you would be expected to  
5 provide truthful information.

6 A. Correct.

7 Q. Were you told by Mr. Martinucci that that  
8 information should be complete?

9 MR. MARTINUCCI: I'm going to object at this point  
10 in time because now you're asking him what his  
11 attorney told him.

12 MS. BENSON: All right. Then I'll rephrase it.

13 Q. Are you aware that your testimony here today should  
14 be accurate?

15 A. That's what I went under oath for.

16 Q. Are you aware that your testimony here today should  
17 be complete?

18 A. To the best of my ability.

19 Q. Are you aware that your testimony here today should  
20 be -- should be able -- let me -- are you aware that your  
21 testimony here today should lead me, if at all possible, to  
22 other evidence?

23 A. I'm not going to -- I'm not going to say that.

24 MR. MARTINUCCI: You're asking him for something  
25 that's, I think, beyond what he would understand.

1 MS. BENSON: Then I'll rephrase it.

2 Q. Are you aware that your testimony here today should  
3 lead me to other potential witnesses?

4 A. You should know all the witnesses by now.

5 Q. Simply answer my question, please.

6 A. I didn't speculate anything about what you were  
7 going to do.

8 Q. Well, then let me advise you. Your testimony here  
9 today should not only be based on what you know, but what you  
10 believe others know, or where I can find information that  
11 could leave me to evidence that could possibly support  
12 Mr. Sherrod's claim or your defenses.

13 A. Well, ask the question, and I'll give you the  
14 answer. That's the way -- that's the way I'm interpreting  
15 this whole deposition. You ask the question, I give you the  
16 answer truthfully --

17 Q. I'm not fighting with you.

18 A. -- and that's it. No. I'm just trying to give you  
19 my opinion that if you ask me a question, I'm going to give  
20 you the answer truthfully. Am I correct? Is that what you  
21 want?

22 Q. I want the truth from you, and I want it to be  
23 complete --

24 MR. MARTINUCCI: To the best of his knowledge and  
25 recollection.

1 Q. I want it to be complete.

2 Now, let's go back. You're saying that you only  
3 learned from Mr. Sherrod of Mr. Coleman's directive?

4 A. I heard Mr. Sherrod tell me something. That's the  
5 only person that told me this.

6 Q. And you've not heard it from anybody else?

7 A. I heard -- whatever I heard from anybody else, they  
8 heard from Mr. Sherrod just like I heard it from.

9 Q. Are you sure of that?

10 A. I'm sure what I know is that they said -- anybody  
11 who did say anything, and like I said, I don't recall exactly  
12 who said what, but it was a whole bunch of he said/she said  
13 this type of thing, but, again, it originated and said, this  
14 is what I was told.

15 Q. When you left Community Health Net, was it because  
16 you feared that in light of Community Health Net financial  
17 problems --

18 A. They didn't have any financial problems when I left  
19 them. They didn't have --

20 MR. MARTINUCCI: Let her ask the full question.

21 Q. That in light of Community Health Net financial  
22 problems that you would no longer have your position?

23 A. No.

24 Q. Mr. Coleman testified that he's no longer on your  
25 board of directors. Can you tell us when he came off?